

HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION, ET AL.

Plaintiffs,

v.

AMAZON.COM, INC., a corporation,

Defendant.

NO. 2:23-cv-01495-JHC

REDACTED

DECLARATION OF KOREN W. WONG-
ERVIN IN SUPPORT OF WALMART'S
MOTION TO MAINTAIN CERTAIN THIRD-
PARTY INFORMATION IN THE
COMPLAINT UNDER SEAL

**NOTE ON MOTION CALENDAR:
NOVEMBER 10, 2023**

I, Koren W. Wong-Ervin, declare as follows:

1. I am counsel of record for Walmart Inc. ("Walmart") in the above-referenced matter. I am a member in good standing of the State Bar of California and the D.C. Bar and have been granted leave to appear *pro hac vice* for Walmart in this matter. I make this declaration in support of Walmart's Motion to Maintain Certain Third-Party Information in the Complaint Under Seal ("Walmart's Motion"). The contents of this declaration are made based on my own personal knowledge and my review of information, documents, and records in this case, and if called as a witness, I would competently testify thereto.

2. Walmart met and conferred on multiple occasions with both the Federal Trade Commission (“FTC”) and Amazon.com, Inc. (“Amazon”), including with the FTC on October 10, 17, and 19 and with Amazon on October 3, 12, and 17, 2023. After detailed discussions as to the specific portions of the Complaint Walmart would seek to maintain under seal, the FTC informed me on October 19, 2023 that it does not oppose Walmart’s Motion, and Amazon informed me on October 24, 2023 that it takes no position on Walmart’s Motion.

3. Walmart’s proposed permanent redactions are narrowly tailored. Less restrictive alternatives are not available, as the FTC has informed me that, if only Walmart’s name were redacted from Paragraphs 334 and 336-337, Walmart’s identity would still be obvious based on the contents of the surrounding paragraphs that the FTC believes are likely to become unsealed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed this 25th day of October, 2023, at Washington, District of Columbia.

s/ Koren W. Wong-Ervin
Koren W. Wong-Ervin

Exhibit A

Walmart's Permanent Sealing Requests

1. Box 3 under number 6 on the slide [REDACTED] in Paragraph 213
2. [REDACTED]
3. [REDACTED]
4. The entirety of Paragraphs 334 and 336-337